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EXAMINER

EDELMAN, BRADLEY E

ART UNIT PAPER NUMBER

2153

DATE MAILED: 03/26/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/534,757

Applicant(s)

SWEAT ET AL.

Examiner

Bradley Edelman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 May 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This Office action is in response to Applicant's Appeal Brief filed on January 9, 2004. In light of Applicant's arguments in the Appeal Brief, Examiner has elected to re-open prosecution of the application by withdrawing all previous rejections and issuing the following rejections to the claims. Claims 1-45 are presented for further examination. This Office action is non-final. Note: a new examiner has taken over this application.

#### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

1. Claim 1 is rejected because they are not directed to statutory subject matter.

In considering claim 1, the claim includes "an Internet web site, comprising: an online service, implemented on a computer... that provides an integrated project workspace." The claim then describes a series of intended uses for the web site – i.e. "for building, design, and construction personnel..." and "for organizing folders...." Neither a "web site" nor an "online service" fits one of the statutory categories of a process, machine, manufacture, or composition of matter, and thus claim 1 is directed towards non-statutory subject matter.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2-45 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In considering claims 2, 16, and 31, each of claims 2, 16, and 31 include a limitation of "displaying drawings and text files in folders." This is not disclosed in the specification. The specification provides a description of how drawings and text can be *stored*, and *organized* in folders, but not how they can be displayed in folders.

Claims 3-15, 17-30, and 32-45 depend from claims 2, 16, and 31 respectively, and are thus rejected as well.

3. Claims 2-45 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01.

4. Claims 2-45 are also rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such

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omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01.

In considering claims 2-45, the omitted elements and structural cooperative relationships are as follows:

a. Claim 2 begins by citing "a computer-implemented apparatus comprising:". It follows with two limitations: "accessing architectural project information..." and "modification and organization of...". The claim does not describe how the apparatus implements these steps. Thus, there is a gap between the elements, and the structural relationship between the claim steps is missing.

Claim 2 continues with the limitations: "one or more projects including storing, organizing, and displaying drawings and text files in project folders and standard folders," and "project members of the one or more projects including defining access permissions for project members...." Again, the claim does not describe how the apparatus implements the "projects" or "members" or how the apparatus implements the steps of "storing," "organizing," "displaying," or "defining." This again constitutes a gap between the elements, such that the structural relationship between the claim steps is missing.

Claims 3-15 depend from claim 2, and are thus rejected for the same reasons.

b. Claim 16 begins with the limitation: "a method for providing access to architectural project information comprising:". It follows with "a computer implemented interactive web site, the web site providing the ability to modify and organize: [various

elements].” Thus, there is a gap between the method claimed in the preamble and the non-method elements claimed in the body.

Claims 17-30 depend from claim 16, and are thus rejected for the same reasons.

c. Claim 31 begins with the limitation, “an article of manufacture for accessing architectural project information comprising:”. The claim then recites “an interactive web site hosted on a computer server wherein the interactive web site comprises: [various elements].” The claim does not disclose how a web site constitutes an article of manufacture. Thus, there is a gap between the article of manufacture claimed in the preamble and the web site claimed in the body.

Claims 32-45 depend from claim 31, and are thus rejected for the same reasons.

5. Claims 6, 20, and 35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In considering claims 6, 20, and 35, each of these claims requires installing and executing aspects of the web site on a “local computer.” This language, by itself, is not clear, because the claim does not describe what the computer is “local” to.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claim 1 is rejected under 35 U.S.C. 102(a) as being anticipated by Doherty ("Project-specific Web sites," from Interiors, Vol. 157, March 1998).

In considering claim 1, Doherty discloses an Internet web site ("Web site"), comprising:

An online service, implemented on a computer (i.e. "web site"), for building, design, and construction personnel (p. 2, ¶ 9, "global construction projects"), that provides an integrated project workspace ("project-specific Web site") for organizing folders therein as containers for storing, managing, and sharing files for one or more architectural projects (p. 2, ¶ 2, "a project directory; and electronic file cabinet of documents"), wherein the files comprise drawings ("CAD"), documents ("documents"), communications ("discussion threads"), and tasks ("project progress information") related to the architectural projects (p. 2, ¶ 2), and the integrated project workspace provides relevant content ("product information"), services ("project directory"), and tools ("online forms and logs") to help the personnel manage the files related to the architectural projects (all described on p. 2, ¶ 2).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doherty, in view of Kempfer ("ActiveProject 3.0," from Computer-Aided Engineering, Vol. 17, June 1998).

In considering claim 2, as understood, Doherty further discloses a computer-implemented apparatus comprising:

Means for accessing architectural project information using an interactive web site hosted on a server (Title; p. 2, ¶ 2, 9), wherein one or more areas of the web site provide for:

Modification and organization of:

A display of the interactive web site (p. 2, ¶ 2, "easy to use front-end screen");

Site members of the interactive web site (p. 2, ¶ 3, "team member[s]");

One or more projects including storing, organizing, and displaying drawings ("CAD") and text files ("specs") in project folders (p. 2, ¶ 2, wherein the "electronic filing cabinet" constitutes a project folder); and

Project members of the one or more projects ("members") including defining access permissions for project members to access the project folders, drawings, and text files (p. 1, ¶ 1, "allowing authorized people access to specific project information on a secure Web site").

However, Doherty does not describe in depth the different types of folders for storing, organizing, and displaying the drawings and text files. Instead, Doherty describes a general project folder, or "filing cabinet." Nonetheless, the use of standard



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folders (i.e. Microsoft Windows-type folders) with project folders in a project management web site, such as the ones disclosed by Doherty, is well known, as shown by Kempfer. Kempfer describes a well-known project-specific web site that uses standard folders to implement the project folders used to store and organize project files (see the attached figure). It would have been obvious to a person having ordinary skill in the art to use standard folders to organize the information in the system taught by Doherty, so that the site is "easy to use and operate, even for the technically challenged." See Doherty, p. 1, ¶ 1.

In considering claim 3, both Doherty and Kempfer disclose that access permissions can be defined for site members of the specific web site (Doherty, p. 1, ¶ 1, "allowing authorized people access"; Kempfer, p. 1, ¶ 2, "control access to specific information by individual users or defined groups of users").

In considering claim 4, Kempfer further discloses that a tree hierarchical view of the interactive web site displays a listing of the drawings and text files and the project folders and the standard folders (see the figure; p. 1, ¶ 3, "the new folder drop function allows users to publish an entire directory structure and its file contents on the Project Web sites").

In considering claim 5, both Doherty and Kempfer further disclose that a user can markup a drawing (Doherty, p. 2, ¶ 2, "CAD"; Kempfer, p. 1, ¶ 4, "AutoCAD," p. 2, ¶ 1, "redline/markup").

In considering claim 6, as understood, Doherty further installing and executing aspects of the web site on a local computer (p. 1, ¶ 4, wherein "local" computer is interpreted as meaning a client computer, and Doherty discloses "upload[ing] project information into the client's PSWS").

In considering claim 7, Doherty further discloses updating project information stored on the server by transferring information from a local computer to the server (p. 1, ¶ 4; p. 2, ¶ 2, "online forms and logs," "revisions," "discussion threads").

In considering claim 8, neither Doherty nor Kempfer explicitly disclose emailing changes in access permissions to users. Nonetheless, Kempfer discloses both emailing general changes to users ("change notification") and maintaining user-access permissions ("control access to specific information by individual user"). It would have been obvious to a person having ordinary skill in the art to allow changes in access permissions, so that users who are fired or who may be demoted in the project can no longer access proprietary information. Furthermore, it would have been obvious to e-mail these access permission changes to the users, to ensure that the users are aware of their current status within the project.

In considering claim 9, both Doherty and Kempfer further disclose that the area for the modification and organization of the display of the interactive web site comprises an area to specify the location of information to be displayed on the interactive web site (wherein the location of information, or URL will be displayed on the browser and will be specified whenever new information is added to the web site).

In considering claim 10, both Doherty and Kempfer disclose maintaining an activity log that captures site member activities (Doherty, p. 1, ¶ 2, "capture up-to-the-minute intelligence on all the decisions and collective information relating to a project"; Kempfer, p. 2, ¶ 1, "sign in/out," "change notification").

In considering claim 11, Kempfer further discloses filtering the activity log based on specified properties (i.e. "sign in/out" and "change notification").

In considering claim 12, Kempfer further discloses organizing members into a group and defining access permissions of groups (p. 2, ¶ 2, "control access to specific information by individual users or for defined groups of users").

In considering claim 13, Doherty further discloses an area for discussion aspects of a project (p. 2, ¶ 2; "discussion threads").

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In considering claim 14, Doherty and Kempfer both further disclose that the website has the ability to import and export information (i.e. users can download project information and can also upload information to the project).

In considering claim 15, Doherty further discloses that the interactive web site can be created by a user without interaction with a site administrator (wherein the client maintains "the client's own project-specific Web site").

In considering claims 16-27 and 31-42, disregarding any 35 USC 112 issues, these claims present parallel method and article steps to the "apparatus" steps claimed in claims 2-13 respectfully. Therefore, claims 16-27 and 31-42 are rejected for the same reasons as claims 2-13.

In considering claims 28, 29, 43, and 44, the combination of claims 28 and 29, and the combination of claims 43 and 44 both include the same limitations as claim 14 (i.e. that the importing and exporting information). Therefore, disregarding any 35 USC 112 issues, these claims are rejected for the same reasons as claim 14.

In considering claims 30 and 45, these claims present no further limitations over claim 15, and are thus rejected for the same reasons.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley Edelman whose telephone number is (703) 306-3041. The examiner can normally be reached on Monday to Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on (703) 305-4792. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

For all correspondences: (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

*Bradley Edelman*

BE  
March 19, 2004